

(Del. Rev. 11/14) Pro Se General Complaint Form

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

Xiomara Edilma Lozano

(In the space above enter the full name(s) of the plaintiff(s).)

FILED  
U.S. DISTRICT COURT  
DISTRICT OF DELAWARE  
2017 MAY 22 AM 11:34

Civ. Action No. 17 - 587

(To be assigned by Clerk's  
Office)

-against-

Resources of Human Development (RHD)

Michael Brothers, Unit Director

Angeia Robinson, Supervisor

Patricia Hill, Intern

(In the space above enter the full name(s) of the defendant(s).)

If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section I. Do not include addresses here.)

**COMPLAINT**

(Pro Se)

Jury Demand?

☐ Yes

☐ No

**NOTICE**

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

If this is an employment discrimination claim or social security claim, please use a different form.

**Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.**

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**I. PARTIES IN THIS COMPLAINT****Plaintiff**

List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff:

Lozano, Xiomara E  
Name (Last, First, MI)

103 Ashley Ann Court  
Street Address

Townsend DE 19734  
County, City State Zip Code

302.287.1782  
Telephone Number

xlozano73@gmail.com  
E-mail Address (if available)

**Defendant(s)**

List all defendants. You should state the full name of the defendants, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant can be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1:

Resources for Human Development  
Name (Last, First)

4700 Wissahickon Avenue, Suite #126  
Street Address

Philadelphia PA 19144-4248  
County, City State Zip Code

Defendant 2:

Brothers, Michael  
Name (Last, First)

2055 Limestone Road  
Street Address

Wilmington DE 19808  
County, City State Zip Code

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**Defendant(s) Continued**

Defendant 3: Robinson, Angela  
 Name (Last, First)  
2055 Limestone Road  
 Street Address  
Wilmington, DE 19808  
 County, City State Zip Code

Defendant 4: Hill, Patricia  
 Name (Last, First)  
2055 Limestone Road  
 Street Address  
Wilmington, DE 19808  
 County, City State Zip Code

**II. BASIS FOR JURISDICTION**

Check the option that best describes the basis for jurisdiction in your case:

- ☐ **U.S. Government Defendant:** United States or a federal official or agency is a defendant.
- ☐ **Diversity of Citizenship:** A matter between individual or corporate citizens of different states and the amount in controversy exceeds \$75,000.
- ☒ **Federal Question:** Claim arises under the Constitution, laws or treaties of the United States.

If you chose "Federal Question", state which of your federal constitutional or federal statutory rights have been violated.

Notice of Charge of Discrimination, 19 DEL. Code  
5712 filed under the Age Discrimination in  
Employment Act of 1967 as Amended (ADEA),  
that is, based on age 40 or older.

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**III. VENUE**

*This court can hear cases arising out of the Counties of New Castle, Kent, and Sussex in the State of Delaware.*

*Under 28 U.S.C § 1391, this is the right court to file your lawsuit if: (1) All defendants live in this state AND at least one of the defendants lives in this district; OR (2) A substantial part of the events you are suing about happened in this district; OR (3) A substantial part of the property that you are suing about is located in this district; OR (4) You are suing the U.S. government or a federal agency or official in their official capacities and you live in this district. Explain why this district court is the proper location to file your lawsuit.*

Venue is appropriate in this Court because: Discrimination claim

Delaware law makes it illegal for an employer to discriminate on the basis of Age. The Plaintiff, age 51, on December 02, 2016.

**IV. STATEMENT OF CLAIM**

Place(s) of  
occurrence:

Resources of Human Development  
2055 Limestone Road  
Wilmington, DE 19808

Date(s) of occurrence: October 17, 2016 - December 02, 2016

*State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions.*

**FACTS:**

What  
happened to  
you?

Michael Brothers, unit manager and supervisor,  
Angela Robinson, created a hostile work environment  
through repeated acts of intimidation and  
threats of discharge and spoke to the Plaintiff  
in a condescending tone, because of my age.  
Michael Brothers, Angela Robinson and  
Patricia Hill never spoke to other younger

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workers when communicating with them. Also, Patricia Hill, the Intern stated to Plaintiff, "no Black woman at your age should be sitting at the clinician's desk." Patricia Hill wrote an e-mail to Michael Brothers and Angela Robinson which resulted in the Plaintiff's termination. Patricia Hill (white), threatened that she would have the Plaintiff job upon her graduation.

Was anyone  
else  
involved?

Patricia Hill, intern, wrote an e-mail to Angela Robinson supervisor about false statements against my work ethics. Angela Robinson and Michael Brothers entertained "Workplace Bullying" from Patricia Hill. Michael Brothers terminated the Master Clinician position to replace for a younger Clinician.



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Who did  
what?

On December 02, 2016, Michael Brothers, unit manager terminated the Plaintiff's Master Clinician position. Michael Brothers terminated Plaintiff inside office in front of other staff and asked me and escorted me the Plaintiff to her vehicle and collected RHD cell phone, computer. Michael Brothers saw another client in the car and told me to leave immediately off the premises. The Plaintiff took client home.

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**V. INJURIES**

*If you sustained injuries related to the events alleged above, describe them here.*

The Plaintiff, was discharged in response to a complaint made by the intern, Patricia Hill. Notwithstanding the fact, under Delaware law, a single instance of misconduct that was alleged may form the basis for discharge, but only where the employer warned the employee of the consequences of such action, and had not tolerate similar actions in the past. *VIA B v Martin*, 431 A2d 1265 (DE 1981).

**VI. RELIEF**

The relief I want the court to order is:

- ☒ Money damages in the amount of: \$2.4 million dollars
- ☒ Other (explain): Reinstate Plaintiff as a Master Clinician at \$45.00 an hour at 40 hours per week, and treat the Plaintiff in a professional manner. The Plaintiff was discharged from Resources for Human Development (CRHD) without just cause in connection with my work. Notice of Charge of Discrimination, 19 DEL. Code §712 filed under the Age Discrimination in Employment Act of 1967 as amended (ADEA). That is, based on Age 40 or older.

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**VII. CLOSING**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; and (3) complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

05/22/2017                      Xiomara E. Lozano  
 Dated                                      Plaintiff's Signature

Lozano, Xiomara E  
 Printed Name (Last, First, MI)

103 Ashley Ann Court, Townsend, DE 19734  
 Address                                      City                                      State                                      Zip Code

302.287.1782                      xlozano73@gmail.com  
 Telephone Number                      E-mail Address (if available)

*List the same information for any additional plaintiffs named. Attach additional sheets of paper as necessary.*

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